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UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

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U.S. DISTRICT COURT
DISTRICT OF MASS.

UNITED STATES OF AMERICA,)
)
VS.)
)
TONY TEXIERA,)
 Defendant.)

NO. ~~MF-04-815-MBB~~

04-10165

DEFENDANT'S MOTION TO SUPPRESS

Pursuant to Local Rule 7.1 of the United States District Court for the District of Massachusetts, the Defendant, Tony Texiera, submits this Motion to Suppress.

As grounds, the Defendant states that on April 5, 2004 the Massachusetts State Police improperly searched an automobile in which the Defendant was a passenger. The search was conducted without a warrant. As a result of the search, the police found, *inter alia*, a black handgun.

The Defendant argues that the search was illegal and in violation of his constitutional rights. Specifically, the Defendant maintains that the warrantless search cannot be justified under any of the following grounds:

1. Exigency, or the "automobile exception";
2. Search incident to arrest; and
3. a valid inventory.

In the absence of any of these exceptions to the warrant requirement of the Fourth Amendment, the search was illegal, and all evidence seized in connection with it must be suppressed.

In further support of this Motion, the Defendant refers to the attached Memorandum of Law and affidavits.

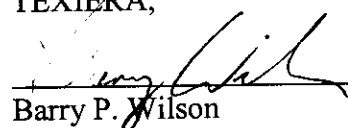
REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D) of the United States District Court for the District of Massachusetts, the Defendant requests that the Court hold oral arguments on this Motion.

I certify that a true copy of this document was served
on all counsel of record, by mail, postage prepaid.

Date: 11/1/04

Respectfully submitted,
FOR THE DEFENDANT, TONY
TEXIERA,


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Dated: 11/1/04